

Remarks

Reconsideration and withdrawal of the rejections of the claims, in view of the amendments and remarks herein, is respectfully requested. Claims 1, 4 and 47 are amended. Claims 1-14 and 45-47 are now pending in this application.

Amended claims 1, 4 and 47 are supported by Example 1.

The Examiner rejected claims 1-14 and 45-47 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The amendment to claim 1 renders this rejection moot.

The Examiner also rejected claims 1-14 and 45-47 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner asserts that the phrase "buffy coat cells" is unclear. The amendment to claim 1, to recite "mononuclear cells from a buffy coat layer" obviates this rejection. It is Applicant's position that the phrase "buffy coat layer" is conventionally used in the art (see, e.g., Dzau et al. (U.S. Patent No. 5,132,223) and Solovey (NEJM, 337:11584 (1997))), both of record).

Accordingly, withdrawal of the § 112 rejections is appropriate and respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

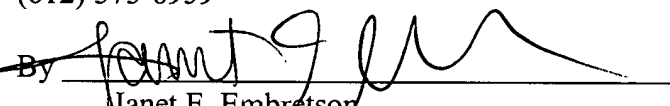
Respectfully submitted,

ROBERT P. HEBBEL ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6959

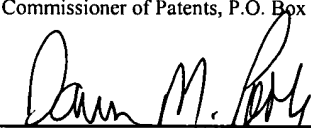
Date April 8, 2004

By 
Janet E. Embretson
Reg. No. 39,666

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8th day of April, 2004.

Dawn M. Poole

Name



Signature